

House Bill 440

By: Representative O'Neal of the 146th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income taxation, so as to revise certain provisions relating to certain business income tax credits; to provide for definitions; to provide for administration; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income taxation, is amended in Code Section 48-7-40.17, relating to taxpayers establishing or relocating their headquarters in this state, by revising paragraph (3) of subsection (a) as follows:

"(3) 'Headquarters' means the principal central administrative office of a potential taxpayer or a subsidiary of the potential taxpayer."

SECTION 2.

Said chapter is further amended in Code Section 48-7-40.18, relating to tax credits for certain businesses headquartered in the state, by revising subsection (c) as follows:

"(c) The number of new full-time jobs to which this Code section ~~shall be applicable~~ applies shall be determined by comparing the monthly average of full-time jobs subject to Georgia income tax withholding for the taxable year with the corresponding average for the prior taxable year."

SECTION 3.

Said chapter is further amended in Code Section 48-7-40.21, relating to tax credits for existing business enterprises undergoing a qualified business expansion, by revising subsection (c) as follows:

"(c) Notwithstanding any other provision of law to the contrary, any credit claimed pursuant to this Code section shall be ~~subject to recapture~~ recaptured if the minimum job requirement is not met. "

SECTION 4.

Said chapter is further amended in Code Section 48-7-40.22, relating to tax credits for business enterprises for leased motor vehicles, by revising subsection (c) as follows:

“(c) In order to qualify for the tax credit under this Code section, a business enterprise must certify that each vehicle for which a credit is claimed carries an average daily ridership of ~~not less than~~ at least four employees for an entire taxable year.”

SECTION 5.

Said chapter is further amended in Code Section 48-7-40.24, relating to tax credits for certain manufacturing enterprises, by revising paragraph (8) of subsection (a) as follows:

“(8) 'Qualified investment property' means all real and personal property purchased or acquired by a taxpayer or potential taxpayer for use in a qualified project, including, but not limited to, amounts expended on land acquisition, improvements, buildings, building improvements, and machinery and equipment to be used in the manufacturing facility.”

SECTION 6.

Said chapter is further amended in Code Section 48-7-40.25, relating to tax credits for certain business enterprises with existing manufacturing facilities, by revising paragraph (8) of subsection (a) as follows:

"(8) 'Qualified investment property' means all real and personal property purchased or acquired by a taxpayer or potential taxpayer for use in a qualified project, including, but not limited to, amounts expended on land acquisition, improvements, buildings, building improvements, and machinery and equipment to be used in the manufacturing facility."

SECTION 7.

This Act shall become effective on January 1, 2008, and shall apply with respect to taxable years beginning on or after that date.

SECTION 8.

All laws and parts of laws in conflict with this Act are repealed.